

# FPPC Regulation and Project Calendar for Calendar Year 2002

## Second Quarter/June 2002

### A. Campaign/Lobbyist Regulations

	Jan.	Feb.	Mar.	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
1. Advertising Disclosure -- §§ 84501-84510 (Prop 208)/18402, 18450.3-18450.5: Advertising disclosure rules require disclosure of major contributors. Consideration of three additional regulations (18450, 18450.1 and 18450.2) defining the scope of the disclosure statutes, and to define the terms "advertisement" and "cumulative contributions."	ER Adoption			IP Meeting	Perm Adoption and Pre-Notice		<u>Adoption</u>					
2. Paid Spokesperson -- § 84511/18450.11: Prop 34 added § 84511, which requires disclosure of paid spokespersons in ballot measure advertising.	Adoption											

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3. Aggregation of Contributions (18428): Defines "affiliated entities" for reporting purposes. May be further amended to require additional disclosures on the Form 460, and to bring this general provision into harmony with regulation 18419, governing sponsored committees.			Adoption							<u>Pre-notice</u>		<u>Adoption</u>
4. Annual Technical Clean up: Changes to regulations that result from staff's annual review for technical and other minor changes (including amendment to Reg. 18401).						Pre-notice		Adoption				
5. CalPERS' Reporting (Reg. 18452): § 84225 requires candidates for the Board of Directors of CalPERS to file certain campaign statements. CalPERS has prepared an election schedule that provides for runoff elections, requiring amendment of Reg. 18452.					Pre-Notice	<u>Pre-Notice</u>	Adoption	<u>Adoption</u>				

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6. Cost of Living Adjustment to Contribution and Expenditure Limits; (§ 83124): <u>Formula for adjustments to be used in all future adjustments. The actual adjustment for 2003 will occur in November.</u>						Pre-notice		Adoption				
7. Cost of Living Adjustment to Contribution and Expenditure Limits; (§ 83124). The Commission must adjust the contribution and voluntary expenditure limits in §§ 85301, 85302, 85303, and 85400 effective January 2003.									<u>Pre-notice</u>		<u>Adoption</u>	
8. <u>Cost of Living Adjustment to Gift Limits (§ 89503): The Commission must adjust the gift limits in 89503 effective January 1, 2003.</u>									<u>Pre-notice</u>		<u>Adoption</u>	
9. "Independent Expenditure" - Clarify definition: § 82031 defines "independent expenditure." Currently, no regulation clarifying the "independent" v. "coordinated" test exists.				IP Meeting		<del>Pre-notice</del>	Pre-notice		Adoption			

Jan. Feb. Mar. April May June July Aug. Sept. Oct. Nov. Dec.

10. Lobbyist Contributions (§ 85702/18572): The section prohibits contributions by a lobbyist to elected state officers or candidates for elected state office if the lobbyist is registered to lobby the agency of the recipient, or the agency to which the candidate seeks election. <u>Deals with a lobbyist making a contribution.</u>			ER-Adoption		<u>Perm. Adoption</u>	<u>Perm. Adoption</u>						
11. Lobbyist Contributions (§ 85702/18572): The section prohibits contributions by a lobbyist to elected state officers or candidates for elected state office if the lobbyist is registered to lobby the agency of the recipient, or the agency to which the candidate seeks election. <u>Deals with the standards applicable to the ban on receipt of contributions.</u>						<u>Pre-notice or ER Adoption</u>	<u>Perm. Adoption</u>					

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12. Lobbyists: Public Utilities Commission (AB 1325): Modifies the definition of payments to influence legislative/ administrative action to include payments for the purpose of influencing a ratemaking or quasi-legislative proceeding before the PUC.		IP Meeting	Pre-notice		Adoption							
13. Member communications -- §§ 85312, 85205: Scope and definition of terms. Political Party Definition (§ 85303): § 85303 provides a higher contribution limit for political party committees. Criteria for determining when a contribution falls within this section may be required. The political party and membership communication issues have been merged based on the overlap between the two projects.	Issue Paper		Pre-Notice		Adoption			<u>Pre-Notice or Adoption</u>				
14. One Bank Account and Carry over. (§§85200, 85201, 85317/18537.1, 18520, 18521,18523, 18523.1), One bank account rule issues			Second Adoption									

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15. Political Party Definition (§ 85303):					ER- Adoption		Perm. Adoption					
16. Personal Loans (§85307/18530.8): § 85307 prohibits a candidate for elective state office from personally loaning to his or her campaign an amount, the outstanding balance of which exceeds \$100,000.	Adoption											
17. Proposition 34 Update, Review of Recordkeeping: Reg. 18401 sets forth record-keeping guidelines. Proposition 34 changed the law regarding elections which require the review and possible amendment to Reg. 18401.					Update		Adoption					
18. 85402(a); Reg. 18543. The regulation determines the impact of personal contributions in excess of expenditure limits during a primary election on his or her opponents.	Adoption											
19. Committee Termination. § 84214, Reg. 18404.1. Termination of Committees; Administrative Termination.	Second Adoption											

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Amendment to Reg. 18539.2 (§ 85310). The Commission may consider whether all forms implementing the Act, including electronic forms, should be approved by the Commission pursuant to the notice and comment procedure of reg. 18313.							<u>Pre-Notice</u>		<u>Adoption</u>			
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## B. Conflict of Interest

1. Business Entity Materiality Standards -- Reg. 18705.1: Reg. 18705.1 sets forth the materiality standards applicable to business entities. The regulation uses the listing criteria for stock exchanges as alternate criteria for applying the materiality standards. However, officials have found it difficult to use them.							IP Meeting		Pre-notice		Adoption	
2. General Plans and Conflict of Interest: The Commission will consider whether clarifying amendments to the materiality regulations applicable to general plans are necessary.							IP Meeting		Pre-notice		Adoption	
3. <i>In re Siegel</i> . Discussion of new regulatory factors defining when a nonprofit entity will be considered a local government agency. The current rule exists only in the Opinion and has not been codified.							<u>IP Meeting</u>					



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4. Small Jurisdictions Public Generally -- Reg. 18707.3: Reg. 18707.3 provides an exception geared specifically toward small jurisdictions. Staff has been asked to review the regulation to see if language can be tailored to meet this unique concern of small cities.							IP Meeting		Pre-notice		Adoption	
5. Property "Subject of" a Decision: Reg. 18704.2 sets out a list of situations in which an official's property is considered directly involved in a decision. The Commission has been asked whether this list is an exclusive list even in applying the indirect rule for materiality (i.e., where an official's real property is within 500 feet of the property that is the subject of a decision.)							IP Meeting		Pre-notice		Adoption	
6. Appointed Boards and Commissions: Reg. 18707.4 permits officials to represent certain constituencies, which they are expressly appointed to represent, so long as certain conditions are met. The Commission may update this regulation.			IP Meeting	Pre-notice		Adoption						

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### C. 2002 Planning Objectives

1. Enforcement policy review				Policy Discussion					Policy Discussion			
1A. Selection of Local Candidates and Controlled Committees for Audit: Reg. 18991 dictates the procedure that shall be followed by the Commission for selecting local candidates and their controlled committees for audit by the Franchise Tax Board. The Commission may wish to amend the regulation to improve the method of selection.										Pre-notice		Adoption
2. Conflict of interest codes/statements of economic interests.	Present Over-view			Project			Project			Project		

### D. Other Miscellaneous Items

	Jan.	Feb.	Mar.	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
1. Quarterly review of work plan and plan updates, including Proposition 34.			Work Plan Revision			Work Plan Revision			Work Plan Revision	2003 Reg. Calendar		2003 Reg. Calendar